

House File 542 - Introduced

HOUSE FILE 542

BY SIECK

A BILL FOR

- 1 An Act relating to the acquisition of land by certain
- 2 governmental entities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 2.48, subsection 3, paragraph e,
2 subparagraph (6), Code 2019, is amended by striking the
3 subparagraph.

4 Sec. 2. Section 7A.30, Code 2019, is amended to read as
5 follows:

6 **7A.30 Inventory of state property.**

7 ~~1.~~ Each state board, commission, department, and division
8 of state government and each institution under the control
9 of the department of human services, the Iowa department of
10 corrections, and the state board of regents and each division
11 of the state department of transportation are responsible for
12 keeping a written, detailed, up-to-date inventory of all real
13 and personal property belonging to the state and under their
14 charge, control, and management. The inventory of real and
15 personal property must be updated at least every two years
16 and accessible online to the public. The inventories shall
17 be in the form prescribed by the director of the department
18 of administrative services and at a minimum shall include
19 the specific location, size, current use, and the amount of
20 property taxes or payments in lieu of property taxes paid to
21 local governments.

22 ~~2. Inventories maintained in the files of each such agency~~
23 ~~of state government shall be open to public inspection and~~
24 ~~available for the information of the executive council and~~
25 ~~director of the department of administrative services.~~

26 Sec. 3. Section 161A.80A, subsections 2 and 3, Code 2019,
27 are amended to read as follows:

28 2. A bluffslands protection revolving fund is created in
29 the state treasury. All proceeds shall be divided into two
30 equal accounts. One account shall be used for the purchase
31 of bluffslands along the Mississippi river and its tributaries
32 and the other account shall be used for the purchase of
33 bluffslands along the Missouri river and its tributaries.
34 The proceeds of the revolving fund are appropriated to make
35 loans to conservation organizations which agree to purchase

1 bluffland properties adjacent to state public lands. The
 2 department of agriculture and land stewardship, in conjunction
 3 with the department of natural resources, shall adopt rules
 4 pursuant to [chapter 17A](#) to administer the disbursement of
 5 funds. Notwithstanding [section 12C.7](#), interest or earnings on
 6 investments made pursuant to [this section](#) or as provided in
 7 section 12B.10 shall be credited to the blufflands protection
 8 revolving fund. Notwithstanding [section 8.33](#), unobligated
 9 or unencumbered funds credited to the blufflands protection
 10 revolving fund shall not revert at the close of a fiscal year.
 11 However, the maximum balance in the blufflands protection
 12 revolving fund shall not exceed two million five hundred
 13 thousand dollars. Any funds in excess of two million five
 14 hundred thousand dollars shall be credited to the rebuild Iowa
 15 infrastructure fund. No loan shall be made under [this section](#)
 16 on or after July 1, ~~2025~~ 2019.

17 3. [This section](#) is repealed on July 1, ~~2030~~ 2024.

18 Sec. 4. Section 161A.80B, Code 2019, is amended to read as
 19 follows:

20 **161A.80B Outstanding bluffland protection loans.**

21 1. The principal and interest from any loan made pursuant
 22 to [section 161A.80A](#), as enacted in 2015 Iowa Acts, ch 132,
 23 §45, remaining outstanding on July 1, ~~2025~~ 2019, that would
 24 have been payable to the blufflands protection revolving fund
 25 created in [section 161A.80A](#), shall instead be paid to the
 26 division on or after July 1, ~~2025~~ 2019, pursuant to the terms
 27 of the loan agreement. The moneys paid to the division shall
 28 be credited to the rebuild Iowa infrastructure fund created in
 29 section 8.57.

30 2. [This section](#) is repealed on July 1, ~~2030~~ 2024.

31 Sec. 5. Section 350.1, Code 2019, is amended to read as
 32 follows:

33 **350.1 Purposes.**

34 The purposes of [this chapter](#) are to create a county
 35 conservation board and to authorize counties to ~~acquire,~~

1 ~~develop~~ preserve, maintain, and make available to the
2 inhabitants of the county, currently owned public museums,
3 parks, preserves, parkways, playgrounds, recreational centers,
4 county forests, wildlife and other conservation areas, and to
5 promote and preserve the health and general welfare of the
6 people, to encourage the orderly development and conservation
7 of natural resources, and to cultivate good citizenship by
8 providing adequate programs of public recreation.

9 Sec. 6. Section 350.4, unnumbered paragraph 1, Code 2019,
10 is amended to read as follows:

11 The county conservation board shall have the custody,
12 control, and management of all real and personal property
13 heretofore ~~or hereafter~~ acquired by the county for public
14 museums, parks, preserves, parkways, playgrounds, recreation
15 centers, county forests, county wildlife areas, and other
16 county conservation and recreation purposes and is authorized
17 and empowered:

18 Sec. 7. Section 350.4, subsections 2 and 5, Code 2019, are
19 amended to read as follows:

20 2. To acquire in the name of the county by gift, ~~purchase,~~
21 ~~lease, agreement, or~~ exchange, ~~or otherwise,~~ in fee or with
22 conditions, suitable real estate within ~~or without~~ the
23 territorial limits of the county for public museums, parks,
24 preserves, parkways, playgrounds, recreation centers, forests,
25 wildlife, and other conservation purposes and for participation
26 in watershed, drainage, and flood control programs for the
27 purpose of increasing the recreational resources of the
28 county. The natural resource commission, the county board of
29 supervisors, or the governing body of any city, upon request
30 of the county conservation board, may transfer to the county
31 conservation board for use as museums, parks, preserves,
32 parkways, playgrounds, recreation centers, play fields, tennis
33 courts, skating rinks, swimming pools, gymnasiums, rooms for
34 arts and crafts, camps and meeting places, community forests,
35 wildlife areas, and other recreational purposes, any land and

1 buildings owned or controlled by the department of natural
 2 resources or the county or city and not devoted or dedicated to
 3 any other inconsistent public use. In ~~acquiring or~~ accepting
 4 land, due consideration shall be given to its scenic, historic,
 5 archaeologic, recreational, or other special features, and
 6 land shall not be ~~acquired or~~ accepted unless, in the opinion
 7 of the board, it is suitable or, in the case of exchange, is
 8 suitable and of substantially the same value as the property
 9 exchanged from the standpoint of its proposed use. An exchange
 10 of property approved by the county conservation board and
 11 the board of supervisors is not subject to section 331.361,
 12 subsection 2.

13 5. To accept in the name of the county gifts, bequests,
 14 contributions, and appropriations of money and other personal
 15 property for conservation purposes. Donated land shall only be
 16 accepted if an accompanying monetary donation is made to cover
 17 the estimated cost of maintaining the land for ten years.

18 Sec. 8. Section 350.6, subsection 1, Code 2019, is amended
 19 to read as follows:

20 1. Upon request of the county conservation board, the
 21 board of supervisors shall establish a reserve for county
 22 conservation ~~land acquisition and~~ capital improvement projects.
 23 The board of supervisors may periodically credit an amount of
 24 money to the reserve. Moneys credited to the reserve shall
 25 remain in the reserve until expended for the projects upon
 26 warrants requisitioned by the county conservation board. The
 27 interest earned on moneys received from bequests and donations
 28 in the reserve account which are invested pursuant to section
 29 12C.1 shall be credited to the reserve account.

30 Sec. 9. Section 422.33, subsection 25, Code 2019, is amended
 31 by striking the subsection.

32 Sec. 10. Section 452A.79A, subsection 2, Code 2019, is
 33 amended to read as follows:

34 2. Moneys in the marine fuel tax fund are appropriated to
 35 the department of natural resources for use by the department

1 in its recreational boating program, which may include ~~but is~~
2 ~~not limited to~~ any of the following:

3 a. Dredging and renovation of lakes of this state.

4 b. ~~Acquisition, development,~~ Development and maintenance of
5 access to public boating waters.

6 c. Development and maintenance of boating facilities and
7 navigation aids.

8 d. Administration, operation, and maintenance of
9 recreational boating activities of the department of natural
10 resources.

11 e. ~~Acquisition, development,~~ Development and maintenance of
12 recreation facilities associated with recreational boating.

13 Sec. 11. Section 455A.19, subsection 1, paragraph a,
14 subparagraph (1), Code 2019, is amended to read as follows:

15 (1) Twenty-eight percent shall be allocated to the open
16 spaces account. At least ten percent of the allocations to
17 the account shall be made available to match private funds for
18 open space projects on the cost-share basis of not less than
19 twenty-five percent private funds pursuant to the rules adopted
20 by the natural resource commission. Five percent of the funds
21 allocated to the open spaces account shall be used to fund the
22 protected waters program. This account shall be used by the
23 department to implement the statewide open space ~~acquisition,~~
24 ~~protection, and development~~ programs.

25 Sec. 12. Section 455A.19, subsection 1, paragraph a,
26 subparagraph (2), unnumbered paragraph 1, Code 2019, is amended
27 to read as follows:

28 The department shall give priority to ~~acquisition and~~
29 ~~control~~ maintenance and enhancement of open spaces of statewide
30 significance. The department shall also use these funds for
31 developments on currently owned state property. The total
32 cost of an open spaces project funded under this paragraph "a"
33 shall not exceed two million dollars unless a public hearing
34 is held on the project in the area of the state affected by the
35 project. However, on and after July 1, 1994, the following

1 shall apply:

2 Sec. 13. Section 455A.19, subsection 1, paragraph b,
3 subparagraph (4), Code 2019, is amended to read as follows:

4 (4) Funds allocated to the counties under subparagraphs
5 (1), (2), and (3) may be used for ~~land easements or~~
6 ~~acquisitions~~, capital improvements, stabilization and
7 protection of resources, repair and upgrading of facilities,
8 environmental education, and equipment. However, expenditures
9 are not allowed for single or multipurpose athletic fields,
10 baseball or softball diamonds, tennis courts, golf courses,
11 swimming pools, and other group or organized sport facilities.
12 Funds may be used for county projects located within the
13 boundaries of a city.

14 Sec. 14. Section 455A.19, subsection 1, paragraphs d and e,
15 Code 2019, are amended to read as follows:

16 d. Fifteen percent shall be allocated to a cities' parks
17 and open space account. The moneys allocated in this paragraph
18 may be used to fund competitive grants to cities to ~~acquire,~~
19 ~~establish, and maintain~~ and enhance natural parks, preserves,
20 and open spaces. The grants may include expenditures for
21 multipurpose trails, restroom facilities, shelter houses, and
22 picnic facilities, but expenditures for single or multipurpose
23 athletic fields, baseball or softball diamonds, tennis courts,
24 golf courses, swimming pools, and other group or organized
25 sport facilities requiring specialized equipment are excluded.
26 ~~The grants may be used for city projects located outside of~~
27 ~~a city's boundaries.~~ The natural resource commission, by
28 rule, shall establish procedures for application, review,
29 and selection of city projects on a competitive basis. The
30 rules shall provide for three categories of cities based on
31 population within which the cities shall compete for grants.
32 There is appropriated from the cities' parks and open space
33 account to the department the amount in that account, or so
34 much thereof as is necessary, to carry out the competitive
35 grant program as provided in this paragraph.

1 e. Nine percent shall be allocated to the state land
 2 management account. The department shall use the moneys
 3 allocated to this account for maintenance and ~~expansion~~
 4 enhancement of state lands and related facilities under
 5 its jurisdiction. ~~The authority to expand state lands and~~
 6 ~~facilities under this paragraph is limited to expansion of the~~
 7 ~~state lands and facilities already owned by the state.~~ There
 8 is appropriated from the state land management account to the
 9 department the moneys in that account, or so much thereof as is
 10 necessary, to implement a maintenance and ~~expansion~~ enhancement
 11 program for state lands and related facilities under the
 12 jurisdiction of the department.

13 Sec. 15. Section 455B.291, subsection 9, paragraph a, Code
 14 2019, is amended to read as follows:

15 a. In the context of water pollution control facilities,
 16 the acquisition, construction, reconstruction, extension,
 17 equipping, improvement, or rehabilitation of any works and
 18 facilities useful for the collection, treatment, and disposal
 19 of sewage and industrial waste in a sanitary manner including
 20 treatment works as defined in section 212 of the Clean Water
 21 Act, or the implementation and development of management
 22 programs established under sections 319 and 320 of the Clean
 23 Water Act, including construction and undertaking of nonpoint
 24 source water pollution control projects and related development
 25 activities authorized under those sections. However, on and
 26 after July 1, 2019, nonpoint source water pollution control
 27 projects shall not include the acquisition of real property
 28 for future donation or sale to a political subdivision, the
 29 department, or federal government.

30 Sec. 16. Section 455B.295, subsection 2, Code 2019, is
 31 amended to read as follows:

32 2. Each of the revolving loan funds shall include sums
 33 appropriated to the revolving loan funds by the general
 34 assembly, sums transferred by action of the governor under
 35 section 455B.296, subsection 3, sums allocated to the state

1 expressly for the purposes of establishing each of the
2 revolving loan funds under the Clean Water Act and the Safe
3 Drinking Water Act, all receipts by the revolving loan funds,
4 and any other sums designated for deposit to the revolving
5 loan funds from any public or private source. All moneys
6 appropriated to and deposited in the revolving loan funds
7 are appropriated and shall be used for the sole purpose of
8 making loans to eligible entities to finance all or part of the
9 cost of projects, including sponsor projects under the water
10 resource restoration sponsor program established in section
11 455B.199. The moneys appropriated to and deposited in the
12 water pollution control works revolving loan fund shall not
13 be used to pay the nonfederal share of the cost of projects
14 receiving grants under the Clean Water Act. Land purchased
15 by a private entity with the assistance of revolving loan
16 funds shall not be acquired by a political subdivision or the
17 department after July 1, 2019. The moneys in the revolving
18 loan funds are not considered part of the general fund of
19 the state, are not subject to appropriation for any other
20 purpose by the general assembly, and in determining a general
21 fund balance shall not be included in the general fund of the
22 state but shall remain in the revolving loan funds to be used
23 for their respective purposes. The revolving loan funds are
24 separate dedicated funds under the administration and control
25 of the authority and subject to [section 16.31](#). Moneys on
26 deposit in the revolving loan funds shall be invested by the
27 treasurer of state in cooperation with the authority, and the
28 income from the investments shall be credited to and deposited
29 in the appropriate revolving loan funds.

30 Sec. 17. Section 456A.16, subsection 2, Code 2019, is
31 amended to read as follows:

32 2. The revenues received shall be used within the state
33 of Iowa for habitat development and shall be deposited in the
34 state fish and game protection fund. The revenue may be used
35 for the matching of federal funds. The revenues and matched

1 federal funds may be used for ~~acquisition of land, leasing of~~
 2 ~~land, or obtaining of easements from willing sellers for use~~
 3 ~~of land as~~ enhancement, restoration, operation, or maintenance
 4 of currently owned wildlife habitats for game and nongame
 5 species. Not less than fifty percent of the funds derived from
 6 the checkoff shall be used for the purposes of preserving,
 7 protecting, perpetuating, and enhancing nongame wildlife in
 8 this state. Nongame wildlife includes those animal species
 9 which are endangered, threatened, or not commonly pursued
 10 or killed either for sport or profit. Notwithstanding the
 11 exemption in [section 427.1](#), the land acquired with the revenues
 12 and matched federal funds is subject to the full consolidated
 13 levy of property taxes which shall be paid from those revenues.
 14 In addition, the revenues may be used for the ~~development~~
 15 preservation and enhancement of wildlife lands and habitat
 16 areas and for research and management necessary to qualify for
 17 federal funds.

18 Sec. 18. Section 456A.17, Code 2019, is amended by adding
 19 the following new subsection:

20 NEW SUBSECTION. 9. Notwithstanding any other provision
 21 of law to the contrary, the revenues accrued or held by the
 22 funds established in this section shall not be expended for the
 23 purpose of land acquisition.

24 Sec. 19. Section 456A.19, subsection 1, unnumbered
 25 paragraph 1, Code 2019, is amended to read as follows:

26 All funds accruing to the fish and game protection fund,
 27 except an equitable portion of the administration fund, shall
 28 be expended solely in carrying on fish and wildlife activities
 29 limited to regulation, law enforcement, programs, salaries,
 30 support, maintenance, and equipment in support thereof.
 31 Expenditures incurred by the department in carrying on the
 32 activities shall be only on authorization by the general
 33 assembly.

34 Sec. 20. Section 456A.24, subsection 2, unnumbered
 35 paragraph 1, Code 2019, is amended by striking the unnumbered

1 paragraph and inserting in lieu thereof the following:

2 Own for the public benefit or acquire by gift or devise,
3 including rights-of-way and improvements, for the following
4 purposes:

5 Sec. 21. Section 483A.3, subsection 1, paragraph c, Code
6 2019, is amended to read as follows:

7 c. All wildlife habitat fees shall be administered in
8 the same manner as hunting and fur harvester licenses except
9 all revenue derived from wildlife habitat fees shall be used
10 within the state of Iowa for habitat development and shall be
11 deposited in the state fish and game protection fund, except
12 as provided in subsection 2. The revenue may be used for
13 the matching of federal funds. The revenues and any matched
14 federal funds shall be used for acquisition of land, leasing of
15 land, or obtaining of easements from willing sellers for use as
16 wildlife habitats. Notwithstanding the exemption provided by
17 section 427.1, any land acquired with the revenues and matched
18 federal funds shall be subject to the full consolidated levy of
19 property taxes, which shall be paid from the income generated
20 from those lands or, if no such income is generated, from the
21 wildlife habitat fee revenues. In addition the revenue may be
22 used for the development and enhancement of currently owned
23 wildlife lands and habitat areas.

24 Sec. 22. Section 483A.3B, subsection 2, paragraph b, Code
25 2019, is amended to read as follows:

26 b. The purpose of the game bird wetlands conservation
27 program is to create a sustained source of revenue to be used
28 by the department to qualify for federal matching funds that
29 are available for wetlands conservation and to undertake
30 projects in conjunction with soil and water conservation
31 districts, county conservation boards, and other partners that
32 will aid in wetlands and associated habitat conservation in the
33 state, including the ~~acquisition~~, restoration, maintenance, or
34 preservation of wetlands and associated habitat.

35 Sec. 23. Section 484A.4, unnumbered paragraph 1, Code 2019,

1 is amended to read as follows:

2 All revenue generated from the migratory game bird fee
3 shall be used for projects approved by the commission for the
4 purpose of protecting and propagating migratory game birds and
5 for the ~~acquisition, development,~~ restoration, maintenance,
6 or preservation of wetlands, except for that part which is
7 specified by the commission for use in paying administrative
8 expenses as provided in [section 456A.17](#).

9 Sec. 24. REPEAL. Section 422.11W, Code 2019, is repealed.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to publicly owned lands.

14 Certain state entities must keep a list of real and personal
15 property belonging to the state under that entity's charge,
16 control, and management. The bill requires each entity to
17 update the entity's inventory at least once every two years and
18 to make the list available online to the public. An inventory
19 must include information specified in the bill about the
20 property.

21 Current law allows the department of agriculture and land
22 stewardship, in conjunction with the department of natural
23 resources, to disburse funds from the blufflands protection
24 revolving fund until July 1, 2025. The bill prohibits the
25 departments from disbursing funds after July 1, 2019. Under
26 the bill, any principal and interest outstanding on or after
27 July 1, 2019, from a blufflands protection loan shall be paid
28 to the division of soil and water quality, with moneys paid to
29 the division credited to the rebuild Iowa infrastructure fund.

30 The department of natural resources or a county may
31 currently use funds to purchase or otherwise acquire properties
32 for public purpose. The bill prohibits the department or
33 a county from accepting and developing lands, with some
34 exceptions. The bill allows a county board of conservation to
35 acquire land only in the case of exchange when the property

1 exchanged for is suitable and of substantially the same value
2 as the property exchanged, or if a person donates the land with
3 an accompanying monetary donation to cover the estimated cost
4 of maintaining the land for 10 years. The bill allows the
5 department to accept land for public benefit if a person gifts
6 or devises the land to the department. The department shall
7 give priority to the maintenance and enhancement of currently
8 owned open spaces of statewide significance.

9 The bill prohibits a city from using funds from grants by
10 the department for projects outside of the city's boundaries.
11 The bill prohibits a nonpoint source water pollution control
12 project from including an acquisition of real property for
13 future donation or sale to the department, other political
14 subdivision, or the federal government. The bill also
15 prohibits a political subdivision from acquiring land that a
16 private entity purchased with the assistance of revolving loan
17 funds under the federal Clean Water Act.

18 Current law allows a person or corporation to claim a
19 tax credit for a charitable conservation contribution to a
20 qualified organization made exclusively for conservation
21 purposes. The bill repeals that tax credit.